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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Our Case No. 03-214-A)

In re Application of:	)	
	)	
Bao, et al.	)	
	)	Examiner: TBA
Serial No.: 10/789,831	)	
	)	Group Art Unit: TBA
Filed: February 27, 2004	)	
	)	Confirmation No.: TBA
For: Label-Free Gene Expression Profiling	)	
With Universal Nanoparticle Probes in	)	
Microarray Assay Format	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In order to comply with discretionary regulations 37 CFR §§1.97 and 1.98, attached hereto is Form PTO-1449, copies<sup>1</sup> of the documents listed thereon. These documents contain information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

1. Stimpson, et al., U.S. Patent No. 5,599,668 issued 02/04/97.
2. Alvisatos, et al., U.S. Patent No. 5,751,018 issued 05/12/98.

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<sup>1</sup>To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the file of a parent application. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited, then none is known to the undersigned.

3. Weiss, et al., U.S. Patent No. 5,990,479 issued 11/23/99.
4. PCT Patent No. WO 92/04469, published 03/19/92.
5. Stimpson, et al., "Real-time detection of DNA hybridization and melting on oligonucleotide arrays by using optical wave guides," *Proc. Natl. Acad. Sci.*, Vol. 92, pp. 6379-6383, California Institute of Technology (1995) U.S.
6. Storhoff, et al., "Strategies for Organizing Nanoparticles into Aggregate Structures and Functional Materials," *Journal of Cluster Science*, Vol. 8, No. 2, pp. 179-217, Plenum Publishing Corporation (1997) U.S.
7. Storhoff, et al., "One-Pot Colorimetric Differentiation of Polynucleotides with Single Base Imperfections Using Gold Nanoparticle Probes," *J. Am. Chem. Soc.*, Vol. 120, pp. 1961-1964, American Chemical Society (1998) U.S.
8. Tomlinson, et al., "Detection of Biotinylated Nucleic Acid Hybrids by Antibody-Coated Gold Colloid," *Analytical Biochemistry*, Vol. 171, pp. 217-222, Academic Press, Inc. (1988) U.S.
9. Velev, et al., "In Situ Assembly of Colloidal Particles into Miniaturized Biosensors," *Langmuir*, Vol. 15, No. 11, pp. 3693-3698, American Chemical Society (1999) U.S.
10. Xu, et al., "The First Raman Spectrum of an Organic Monolayer on a High-Temperature Superconductor: Direct Spectroscopic Evidence for a Chemical Interaction between an Amine and  $\text{Yb}_2\text{Cu}_3\text{O}_{7-\delta}$ ," *J. Am. Chem. Soc.*, Vol. 119, pp. 235-236, American Chemical Society (1997) U.S.
11. Yguerabide, et al., "Light-Scattering Submicroscopic Particles as Highly Fluorescent Analogs and Their Use as Tracer Labels in Clinical and Biological Applications," I. Theory, *Analytical Biochemistry*, Vol. 262, pp. 137-156 (1998) U.S.
12. Yguerabide, et al., "Light-Scattering Submicroscopic Particles as Highly Fluorescent Analogs and Their Use as Tracer Labels in Clinical and Biological Applications," II. Experimental Characterization, *Analytical Biochemistry*, Vol. 262, pp. 157-176 (1998) U.S.

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached Form

PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present Disclosure Statement is being submitted in compliance with 37 CFR 1.56 insofar as an Examiner might consider any of the cited documents important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104(a) and 1.106(b) and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

Early and favorable consideration is earnestly solicited.

Dated: July 30, 2007

McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive  
Chicago, Illinois 60606  
Telephone : (312) 913-0001  
Facsimile: (312) 913-0002

Respectfully submitted,



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Emily Miao  
Registration No. 35,285



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 ) Examiner: TBA  
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 ) Group Art Unit: TBA  
 Filed: February 27, 2004 )  
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 For: Label-Free Gene Expression Profiling With )  
 Universal Nanoparticle Probes in Microarray )  
 Assay Format )

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In regard to the above identified application.

1. We are transmitting herewith the attached:
  - a) Supplemental Information Disclosure Statement;
  - b) U.S. PTO 1449 Form with copies of 12 references; and
  - c) Return Postcard.
2. With respect to fees:
  - a) No fee is attached.
  - b) General Authorization: Please charge any underpayment or credit any overpayment our Deposit Account No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30 day of July, 2004.

Date:

7/30/04

Respectfully submitted,

Emily Miao  
Registration No. 35,285

FORM PTO-1449  
(Rev. 2-32)

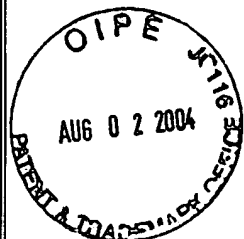
U.S. Department of Commerce  
Patent and Trademark Office

Atty. Docket No.

03-214-A

Serial No.

10/789,831



**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use several sheets if necessary)

**Applicant:**

Bao, et al.

**Filing Date:**

February 27, 2004

**Group:**

TBA

**U.S. PATENT DOCUMENTS**

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1.	5,599,668	02/04/97	Stimpson, et al.			
	2.	5,751,018	05/12/98	Alvisatos, et al.			
	3.	5,990,479	11/23/99	Weiss, et al.			

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Subclass	Translation Yes	No
	4.	WO 92/04469	3/19/92	PCT				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).**

	5.	Stimpson, et al., "Real-time detection of DNA hybridization and melting on oligonucleotide arrays by using optical wave guides," <i>Proc. Natl. Acad. Sci.</i> , Vol. 92, pp. 6379-6383, California Institute of Technology (1995) U.S.
	6.	Storhoff, et al., "Strategies for Organizing Nanoparticles into Aggregate Structures and Functional Materials," <i>Journal of Cluster Science</i> , Vol. 8, No. 2, pp. 179-217, Plenum Publishing Corporation (1997) U.S.
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	9.	Velev, et al., "In Situ Assembly of Colloidal Particles into Miniaturized Biosensors," <i>Langmuir</i> , Vol. 15, No. 11, pp. 3693-3698, American Chemical Society (1999) U.S.

EXAMINER

DATE CONSIDERED

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**FORM PTO-1449**  
(Rev. 2-32)

**U.S. Department of Commerce**  
**Patent and Trademark Office**

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10.	Xu, et al., "The First Raman Spectrum of an Organic Monolayer on a High-Temperature Superconductor: Direct Spectroscopic Evidence for a Chemical Interaction between an Amine and $\text{YBa}_2\text{Cu}_3\text{O}_{7-\delta}$ ," <i>J. Am. Chem. Soc.</i> , Vol. 119, pp. 235-236, American Chemical Society (1997) U.S.
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